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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

Federal Communications Commission
Office of Secretary

In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

MM Docket No. 87-268

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To: The Commission

PETITION FOR RECONSIDERATION

Lehigh Valley Public Television ("Lehigh Valley"), through its attorneys and pursuant to Section 1.106 of the Commission's rules, hereby files this Petition for Reconsideration in response to the Commission's Sixth Report and Order, released April 21, 1997 in the above-captioned proceeding which adopted the Digital Table of Allotments and related technical rules governing digital broadcast service. In support thereof the following is shown:

1. Background. Lehigh Valley is the licensee of public Station WLVT-TV, Allentown, Pennsylvania and has served, for almost 33 years, an area containing 4.5 million persons throughout portions of eastern Pennsylvania and western New Jersey. In addition to providing over 200 local programs to its audience each year, including local documentaries and performance programs, Station WLVT-TV serves 28 school districts and tens of thousands of students with daytime educational programming in classrooms across the valley.

2. Lehigh Valley has carefully reviewed the Commission's above-referenced Sixth Report and Order on DTV. Lehigh Valley commends the Commission for the substantial work reflected in the Table and its recognition of the unique difficulties

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facing public television stations. But, as shown below, Lehigh Valley is concerned about the allotment proposed for the Station WLVT-TV. Although Lehigh Valley strongly endorses the positions advanced in the Joint Petition for Reconsideration and Clarification filed by the Association of America's Public Television Stations (APTS) and the Public Broadcasting Service (PBS), it would like to place additional emphasis on an issue of particular concern. Accordingly, Lehigh Valley requests the Commission to reconsider the allotment proposed for Station WLVT-TV, Allentown, Pennsylvania.

3. Lehigh Valley Will Likely Need to Supplement this Petition. As a preliminary matter, Lehigh Valley submits that the complexity of DTV allotments, the lack of essential technical information, and the short time frame available to file petitions for reconsideration of the DTV Table make it impossible to analyze comprehensively current digital assignments and explore acceptable alternatives. Lehigh Valley has found that the consulting engineering community cannot gear up to run the massive DTV computer program during this 30-day window for seeking reconsideration. In addition, OET Bulletin No. 69, setting forth interference criteria, has not yet been released. Engineers cannot fully evaluate problems with the current allotments and propose feasible solutions without full technical information. In short, the television licensee community cannot adequately analyze the Commission's complex proposal in time to offer concrete options. However, it can identify the preliminary concerns of Lehigh Valley with respect to its proposed allotment.

4. The conversion to digital broadcast service is a complex process and broadcasters should be afforded the time needed to analyze their allotments and investigate alternatives which will enable them to best serve the public. Accordingly,

and consistent with the request of the Broadcasters Caucus Petition filed today, Lehigh Valley requests that the Commission permit it to supplement this pleading with technical data within 90 days from the release of OET Bulletin No. 69. This supplemental filing period would allow Lehigh Valley to work with its consulting engineers to further delineate the problems presented by the allotments and to develop feasible solutions. This is clearly preferable to forcing prospective digital licensees to move forward without current and accurate information and submit proposals which turn out to not be well based. That course would waste public time and money and, perhaps, delay the roll-out of digital broadcast service.

5. Station WLVT-TV currently operates its NTSC service on Channel 39, which is located within the "core spectrum", and has been assigned paired digital allotment Channel 62, an "out-of-core" channel. While the initial DTV allotments were made using Channels 2 to 51, the Commission has not made a decision as to whether the ultimate core spectrum will encompass Channels 2 to 46 or Channels 7 to 51. In any event, Channel 62 is located within the block of spectrum, Channels 60 - 69, which has been designated for early recovery and will not be used for digital service. Following the transition period, Station WLVT-TV must either switch its digital service to its current NTSC Channel 39 or to an alternate channel assigned by the Commission from recovered spectrum. In either instance, Station WLVT-TV must bear the costs of two moves during the digital conversion.

6. Lehigh Valley is prepared to assume the costs of converting Station WLVT-TV to digital service. Nevertheless, it is concerned that the prospect of financing the construction of two digital facilities will undermine its ability to deliver quality local public

broadcasting service. Resources will have to be diverted from programming and production budgets and allocated to purchase and construction of digital transmission equipment, resulting in a significant decrease in the amount and diversity of available programming. Accordingly, and consistent with the APTS and PBS Petition, Lehigh Valley requests that the Commission assign public television stations paired digital allotments between Channels 7 to 46. Operation on such channels will afford public television stations the assurances they need to plan for and raise the funds required for digital conversion.

7. Reconsideration. An alternate solution proposing a substitute channel cannot be provided at this time due to the lack of time and technical information as discussed above. Accordingly, Lehigh Valley requests that the Commission:

- (a) Reconsider the digital allotment paired to Station WLVT-TV and assign a substitute channel located within the core spectrum, as defined by the APTS/PBS petition.
- (b) Provide a period of 90 days from the release of OET Bulletin No. 69 to supplement this petition.

Respectfully submitted,

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